

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS PATRICIA HAMILTON

(b) County of Residence of First Listed Plaintiff MONROE
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number) Cary L. Flitter, Esq., and
Theodore E. Lorenz, Esq., Flitter Lorenz, P.C., 450 N. Narberth Avenue, Suite 101, Narberth,
PA 19072, (610) 822-0782

DEFENDANTS PORTFOLIO RECOVERY ASSOCIATES,
LLC

County of Residence of First Listed Defendant _____
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE
LAND INVOLVED.

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- | | |
|--|---|
| <input type="checkbox"/> 1 U.S. Government Plaintiff | <input checked="" type="checkbox"/> 3 Federal Question
(U.S. Government Not a Party) |
| <input type="checkbox"/> 2 U.S. Government Defendant | <input type="checkbox"/> 4 Diversity
(Indicate Citizenship of Parties in Item III) |

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

PTF	DEF	PTF	DEF
Citizen of This State	<input type="checkbox"/> 1 Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input checked="" type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2 Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input checked="" type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3 Foreign Nation	<input type="checkbox"/> 6	<input checked="" type="checkbox"/> 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	PERSONAL INJURY	PERSONAL INJURY	<input type="checkbox"/> 610 Agriculture	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 362 Personal Injury - Med. Malpractice	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 365 Personal Injury - Product Liability	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 140 Negotiable Instrument		<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability		<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 370 Other Fraud		<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 330 Federal Employers' Liability	<input type="checkbox"/> 371 Truth in Lending		<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans)	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 820 Copyrights	<input checked="" type="checkbox"/> 480 Consumer Credit
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 830 Patent	<input type="checkbox"/> 490 Cable/Sat TV
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 390 Other	<input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 810 Selective Service
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 355 Motor Vehicle Product Liability			<input type="checkbox"/> 850 Securities/Commodities/ Exchange
<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 360 Other Personal Injury		<input type="checkbox"/> 861 HIA (1395ff)	<input type="checkbox"/> 875 Customer Challenge 12 USC 3410
<input type="checkbox"/> 196 Franchise			<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 890 Other Statutory Actions
	REAL PROPERTY	CIVIL RIGHTS	<input type="checkbox"/> 863 DIWC/DIWW (405(g))	<input type="checkbox"/> 891 Agricultural Acts
		PRISONER PETITIONS	<input type="checkbox"/> 864 SSID Title XVI	<input type="checkbox"/> 892 Economic Stabilization Act
			<input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 893 Environmental Matters
				<input type="checkbox"/> 894 Energy Allocation Act
			<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	<input type="checkbox"/> 895 Freedom of Information Act
			<input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice
				<input type="checkbox"/> 950 Constitutionality of State Statutes

V. ORIGIN (Place an "X" in One Box Only)

- | | | | | | | |
|---|---|--|---|--|---|--|
| <input checked="" type="checkbox"/> 1 Original Proceeding | <input type="checkbox"/> 2 Removed from State Court | <input type="checkbox"/> 3 Remanded from Appellate Court | <input type="checkbox"/> 4 Reinstated or Reopened | <input type="checkbox"/> 5 Transferred from another district (specify) _____ | <input type="checkbox"/> 6 Multidistrict Litigation | <input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judgment |
|---|---|--|---|--|---|--|

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Brief description of cause: FDCPA 15 USC § 1692

VI. CAUSE OF ACTION

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint
JURY DEMAND: Yes No.

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

Aug 14, 2015

SIGNATURE OF ATTORNEY OF RECORD

Cary L. Flitter

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFFP

JUDGE

MAG. JUDGE

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

PATRICIA HAMILTON
9165 Brandywine Dr., #J230
Tobyhanna, PA 18466,

Plaintiff,

vs.

PORFOLIO RECOVERY
ASSOCIATES, LLC
Riverside Commerce Center
120 Corporate Boulevard
Suite 100
Norfolk, VA 23502,

Defendant.

CIVIL ACTION

NO.

COMPLAINT

I. INTRODUCTION

1. This is an action for damages brought by a consumer pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 (“FDCPA”).

2. The FDCPA prohibits debt collectors from engaging in unfair or unconscionable practices in the collection of a consumer debt.

3. Defendant is subject to strict liability for sending a collection letter which violates the provisions of the FDCPA by exposing personal identifying information in the QR bar code readable through the window of the envelope that Defendant placed into the mails.

II. JURISDICTION

4. Subject matter jurisdiction of this Court arises under 15 U.S.C. § 1692k, actionable through 28 U.S.C. §§ 1331 and 1337.

5. Venue is proper as Defendant regularly does business in this District.

III. PARTIES

6. Plaintiff Patricia Hamilton (“Plaintiff”) is a consumer who resides in Tobyhanna, Pennsylvania.

7. Defendant Portfolio Recovery Associates, LLC (“Portfolio” or “Defendant”) is a nationwide debt collector with a principal place of business at the address captioned.

8. Defendant regularly engages in the collection of consumer debts in this District through the use of the mails and telephone.

9. Defendant regularly attempts to collect consumer debts alleged to be due another.

10. Defendant is a “debt collector” as that term is contemplated in the FDCPA, 15 U.S.C. § 1692a(6).

IV. STATEMENT OF CLAIM

11. On or about August 14, 2014, Defendant mailed a collection dun to Plaintiff in an attempt to collect a consumer debt alleged due. A copy of the August 14, 2014 letter is attached hereto as Exhibit “A” (redacted in part per Fed. R. Civ. 5.2).

12. Visible on the exterior of the envelope placed into the mails is a quick-response or QR bar code which when read or scanned reveals the unique account number (ending in 0002) that Defendant assigned to Plaintiff.

13. The account number (ending in 0002) constitutes personal identifying information.

14. The QR bar code on the envelope’s exterior could be easily scanned by anyone with a smartphone, as scanning applications are readily available to the public.

15. With one touch, anyone can scan the QR bar code and access Plaintiff’s personal identifying information.

16. The disclosure of personal identifying information such as this infringes upon the consumer's privacy interests protected by the FDCPA, 15 U.S.C. § 1692(a).

17. Section 1692f of the FDCPA prohibits the use of unfair or unconscionable means to collect or attempt to collect a debt, 15 U.S.C. § 1692f(8) prohibits any language or symbol other than the debt collector's name or address on any envelope when communicating with a consumer by mail.

COUNT I
(FAIR DEBT COLLECTION PRACTICES ACT)

18. Plaintiff repeats the allegations contained above as if the same were here set forth at length.

19. Defendant violated the Fair Debt Collection Practices Act by sending a collection letter displaying personal identifying information on the envelope addressed to Plaintiff which violates the provision of the FDCPA by:

- (a) using unfair or unconscionable collection practices in connection with the collection of a debt, in violation of 15 U.S.C. § 1692f; and
- (b) using any language or symbol on envelopes mailed to consumers that revealed information other than the debt collector's address, in violation of 15 U.S.C. § 1692f(8).

WHEREFORE, Plaintiff Patricia Hamilton demands judgment against Defendant Portfolio Recovery Associates for:

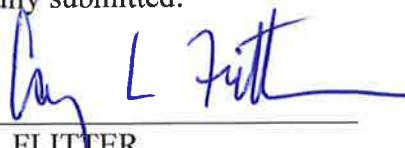
- (a) Damages;
- (b) Attorney's fees and costs; and
- (c) Such other and further relief as the Court shall deem just and proper.

V. **JURY DEMAND**

Plaintiff demands trial by jury as to all issues so triable.

Respectfully submitted:

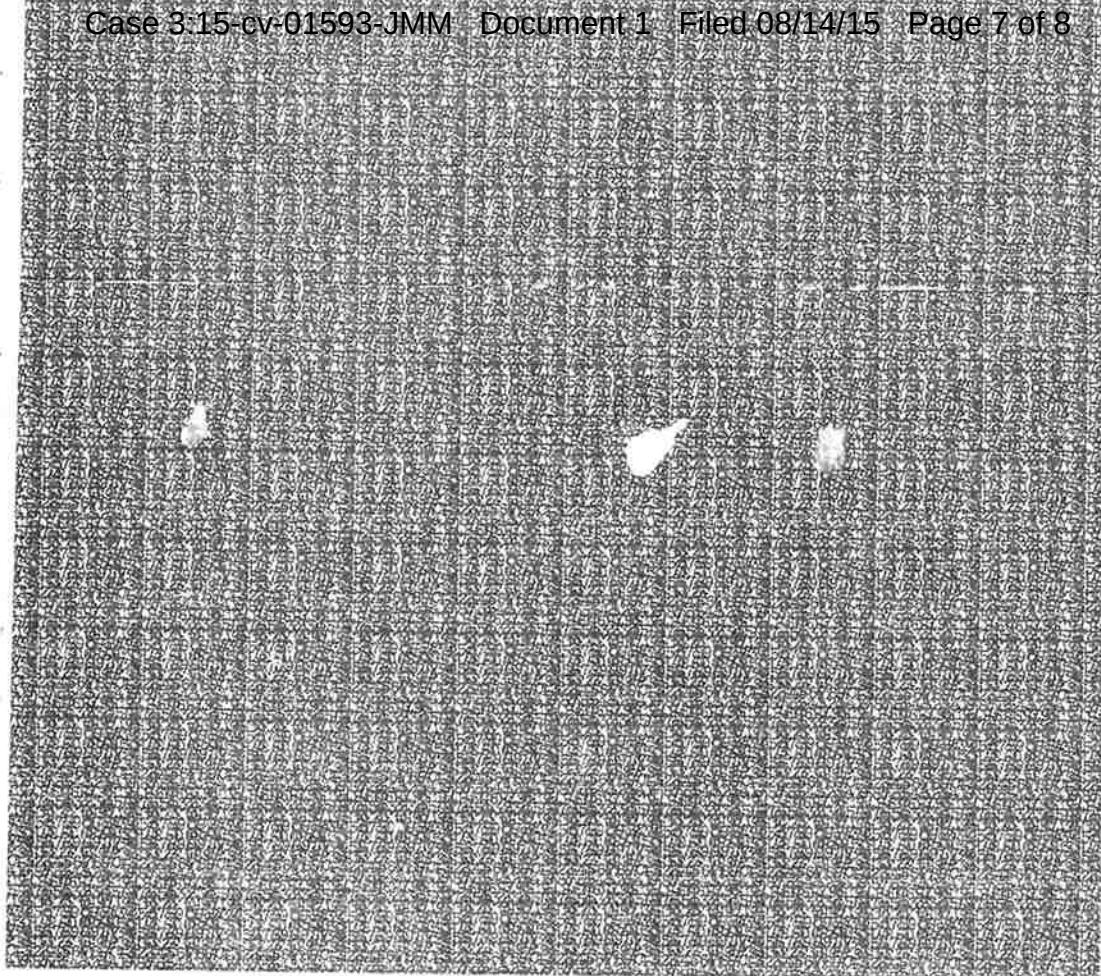
DATE: Aug 14, 2015



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THEODORE E. LORENZ
ANDREW M. MILZ
Attorneys for Plaintiff

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450 N. Narberth Avenue, Suite 101
Narberth, PA 19072
(610) 822-0782

EXHIBIT “A”



CDPRAS01
PO Box 1099
Wixom MI 48393-1099
ADDRESS SERVICE REQUESTED

PRESORT
FIRST CLASS MAIL
US POSTAGE PAID
DPCH

0014021800

48M2 [REDACTED] 510
[REDACTED]
PATRICIA THEROULDE
9165 Brandywine Dr # J230
Tobyhanna PA 18466-3842

69 QVF-NPI 18466

[REDACTED]

↓ TO OPEN THIS SIDE SLIDE FINGER UNDER THIS EDGE ↓

Debtor: CONSOLIDATED EDISON COMPANY OF NEW YORK INC.
Creditor: CONSOLIDATED EDISON COMPANY OF NEW YORK INC.
Original Creditor: CONSOLIDATED EDISON COMPANY OF NEW YORK INC.



Portfolio Recovery Associates, LLC

We're giving debt collection a good name.

Account/Reference No.: [REDACTED] 0002
Creditor to Whom Debt is Owed: Portfolio Recovery Associates, LLC
CURRENT BALANCE DUE: [REDACTED]

August 14, 2014

TIMES ARE CHALLENGING

We understand, and are happy to work with you.

[REDACTED] Monthly Settlement Plan	[REDACTED] Monthly Settlement Plan	[REDACTED] Monthly Settlement Plan
<ul style="list-style-type: none">● Pay [REDACTED] for 12 consecutive months● Save [REDACTED]	<ul style="list-style-type: none">● Pay [REDACTED] for 24 consecutive months● Save [REDACTED]	<ul style="list-style-type: none">● Pay [REDACTED] for 36 consecutive months● Save [REDACTED]

- Your first payment must be received NO LATER than **09/12/2014**.
- Your account will be considered "Settled in Full" after your final payment is posted.

We are ready to help you resolve this debt!
Just call:
1-800-772-1413
before 09/12/2014
to discuss the
AFFORDABLE PAYMENT OPTIONS
that are available to you.
8 AM to 11 PM Mon.-Fri.
8 AM to 5 PM Sat. • 2 PM to 9 PM Sun.

Mail all checks and payments to:
PORTFOLIO RECOVERY ASSOCIATES, LLC
P.O. Box 12914
Norfolk VA 23541

Pay Online?
www.portfoliorecovery.com

**We are not obligated to renew this offer.*

Company Address: Portfolio Recovery Associates, LLC, 120 Corporate Blvd., Norfolk, VA 23502

Disputes Correspondence Address: 140 Corporate Blvd., Norfolk, VA 23502 or E-mail:

PRA_Disputes@portfoliorecovery.com

Quality Service Specialists Available Mon. – Fri. 8 AM TO 5 PM (EST)

Not happy with the way you were treated? Our company strives to provide professional and courteous service to all our customers. Contact one of our staff to discuss issues related to our quality of service to you by phone at (866) 925-7109 or by e-mail at qualityservice@portfoliorecovery.com.

PRIVACY NOTICE

We collect certain personal information about you from the following sources: (a) information we receive from you; (b) information about your transactions with our affiliates, others or us; (c) information we receive from consumer reporting agencies. We do not disclose any nonpublic personal information about our customers or former customers to anyone, except as permitted by law. We restrict access to nonpublic information about you to those employees and entities that need to know that information in order to collect your account. We maintain physical, electronic and procedural safeguards that comply with federal regulations to guard your nonpublic personal information.

**This communication is from a debt collector and is an attempt to collect a debt.
Any information obtained will be used for that purpose.**